UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

SOUTHERN MONTEREY COUNTY MEMORIAL HOSPITAL, INC. D/B/A GEORGE L. MEE MEMORIAL HOSPITAL

and Case 32-RC-090886

NATIONAL UNION OF HEALTHCARE WORKERS

DECISION AND DIRECTION

The National Labor Relations Board has considered a determinative challenge in an election held November 16, 2012, and the hearing officer's report recommending disposition of it. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 129 for and 126 against the Petitioner, with 4 challenged ballots.¹

The Board has reviewed the record in light of the exceptions and briefs,² has adopted the hearing officer's findings and recommendation, and directs as follows:

It is directed that the Regional Director for Region 32 shall, within 14 days from the date of this Decision and Direction, open and count the ballots of Ana Nava, Keith Libby, and Henrietta Perez. The Regional Director shall then serve on the parties a revised tally of ballots and thereafter take further appropriate action in light of the revised tally.

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¹ The Regional Director issued a report approving the Petitioner's withdrawal of challenges to the ballots of Ana Nava and Keith Libby, sustaining the Board agent's challenge to the ballot of Araceli Alcantara, and ordering a hearing on the challenge to the ballot of Henrietta Perez. The only issue before the Board in this proceeding is the challenge to Perez' ballot.

² The Employer requests that the Board reject the Petitioner's exceptions to the hearing officer's report because, it asserts, the Petitioner failed to serve the exceptions and supporting brief on the Employer as required by the Board's Rules and Regulations. The Employer has not shown nor raised any claim that it was prejudiced by a failure of service, and it in fact timely filed its own brief in opposition. In any event, we do not find merit in the Petitioner's exceptions. We therefore deny the Employer's request.

Dated, Washington, D.C., March 8, 2013.

Mark Gaston Pearce,	Chairman
Richard F. Griffin, Jr.,	Member
Sharon Block,	Member
NATIONAL LABOR RELATIO	NS BOARD

SEAL